

REPORT AND DECISION ON THE APPLICATION OF QUINCY TOWER ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A

A. The Hearing. A public hearing was held at 2:00 P. M. on November 14, 1974, in the offices of the Boston Redevelopment Authority (the "Authority"), at the New City Hall, Room No. 921, Boston, Massachusetts, by the Authority on an Application (the "Application"), filed by Yu Sing Jung, Stanley Chen, Robert C. Brannen, Trustee, and Josephine Kim Ying Chen, Trustee, as partners in a limited partnership known as Quincy Tower Associates (the "Applicant") for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (the "Project"), due notice of said hearing having been given previously by publication on October 30, 1974 and November 6, 1974, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L.

Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the acquisition of Parcel R-4 in the South Cove Urban Renewal Area by the Applicant from the Authority, and the construction, operation and maintenance thereon of approximately 162 units of elderly housing and appurtenant facilities. The premises on which the Project is to be located contain approximately 10,142 square feet, and are hereinafter referred to as the "Project Area". The Project Area is presently owned by the Authority. The Project is to be financed under Section 236 of the National Housing Act.

The Applicant proposes to build the following structure and facilities on the Project Area:

A single 16-story building containing 162 units, space for a child-care center, and necessary facilities for elderly residents. Six parking spaces will be provided. The construction will be of reinforced masonry bearing walls with precast concrete floors. The exterior walls will be non bearing panels with exterior sheathing. The building and facilities are more fully described in the Outline Specifications submitted as Exhibit E of the Application, and in the Plans filed therewith.

C. Authority Action. In passing upon the Application, the

Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the Hearing, the Exhibits offered in evidence at the Hearing and the arguments and statements made at the Hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Project Area Blighted Open, Decadent, or Substandard. Pursuant to the adoption of the South Cove Urban Renewal Plan by the Authority on June 8, 1965, the Project Area was found to be substandard and decadent. Pre-existing structures have been demolished by the Authority pursuant to the Urban Renewal Plan. The site has been vacant for several years, and can now be fairly described, in addition, as a "blighted open area". More specifically, the Project Area is located on filled land, and is thus costly to develop because of the excessive depth of the bedrock beneath its surface. This condition results in a need for unduly expensive foundations in the form of floating mat footings. Additional expense of construction is caused by the presence of an MBTA tunnel which underlies part of the Project Area, thus

reducing the area on which foundations may be built and necessitating unduly expensive cantilevered construction to obtain suitable floor area in the building.

The configuration of the Project Area is obsolete, and inappropriate for development without assistance under Chapter 121A. The site is too small for normally feasible development (having been reduced several times by the Authority to accommodate the adjacent Quincy School), and its many-sided shape makes such development impractical. In addition, constraints imposed by the adjacent school restrict access, egress, light and air in the Project Area, further inhibiting development by the ordinary operation of private enterprise.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project, which will replace blighted, substandard, and decadent conditions of the Project Area with new housing accommodations which are decent, safe and sanitary. The Project will provide much needed housing for elderly persons of low and moderate income. Such housing is especially needed by the Chinese community in and around South Cove who are not served by any other similar housing facility. It will also stimulate future development and growth in the South Cove area.

The Project will provide the City of Boston with a stable source of future revenue, under a Contract substantially in the

form of Exhibit E of the Application. Exhibit E sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. In summary, this draft contract provides that the Applicant would pay approximately 17% of the gross rents of the Project on account of taxes in each of the forty (40) calendar years next following the year 1974.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum cost is \$5,165,000.00. The Applicant will finance approximately 10% of the cost of the Project with non-institutionally supplied equity funds and approximately 90% with mortgage financing to be furnished by the Massachusetts Housing Finance Agency (the "MHFA"). The MHFA has given a commitment to provide construction and permanent mortgage financing for the Project. It is contemplated that the interests of the present limited partners of the Applicant (as provided in the Limited Partnership Agreement submitted as Exhibit D of the Application) will be syndicated to persons who will be admitted as substitute limited partners in exchange for capital contributions. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict

with the City of Boston Master Plan. The site is located in the South Cove Urban Renewal Area as delineated on the map following Page 5 of the "1965/1975 General Plan for the City of Boston and the Regional Core" published by the Authority. The proposed new building will be constructed for residential use in compliance with the "1975 General Land Use Plan" for Boston as presented in the above-mentioned document, and in compliance with the South Cove Urban Renewal Plan.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be erected under the Project has been reviewed by Design Review Staff of the Authority and, pursuant to the proposed Land Disposition Agreement, is subject to further Design Review. The Authority finds that it will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for elderly housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction or alteration of any existing structures, nor, in any way, the displacement of any persons from their present dwellings.

The Project Area does not include land within any location approved by State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. In conformity with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project affects no archeological structure or site.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wild life.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

8. The Secretary of Environmental Affairs found on February 12, 1974 that no environmental impact statement was required for the Project under applicable state law. An Environmental Information Form has been submitted by the Applicant to HUD. Environmental clearance under the National Environmental Polict Act is presently being processed by that Agency.

9. The Project does not involve the disposal of potentially hazardous materials.

10. The Project does not involve the construction of facilities in a flood plain.

11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value, or an area with significant architectural attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and, in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage

and that the Secretary of the Authority be instructed to file with the Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit 3 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit B, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project involves the construction of units which constitute a single building under the Boston Building Code and Zoning Law. However, the provisions of Chapter 138 of the General Laws do not apply to the Project as presently planned.

J. Zoning and Building Deviations. Exhibit C filed with and attached to the Application lists the Zoning and Building Deviations sought by the Applicant. For the reasons set forth in the Application and supporting Documents, including said Exhibit C, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantitally derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning Deviations for which permission is sought are as follows:

1. Floor Area Ratio - Maximum permitted is 8.0. The gross floor area of the building as designed is 113,512 square feet. The size of Parcel R-4 has been twice reduced to satisfy the

requirements of the school and now stands at 10,142 square feet, resulting an an FAR of 11.2.

2. Usable Open Space - Required Usable Open Space as defined in Section 13-1 of the Zoning Code is 50 square feet per dwelling unit or 8,100 square feet total. This amount cannot be satisfied within the boundaries of Parcel R-4; however, a perpetual easement is expected to be written into the Land Disposition Agreement granting to the tenants of the housing on Parcel R-4 the use of approximately 30,000 square feet of open play deck which is part of the school construction on adjacent Parcel P-13. The result is that much more than the minimum Required Usable Open Space will be made available for this building.

3. Front Yard - The Project does not comply. Enforcement of this provision would prevent any housing from being built on this site; however, a perpetual easement is expected to be written into the Land Disposition Agreement granting to the tenants of the housing on Parcel R-4 the joint use of front plaza between Parcel R-4 and Washington Street, resulting in 40 feet of front yard fronting Washington Street.

4. Side Yard - The Project does not comply; the location of property line between R-4 and P-13 was established for the convenience of the school on P-13. As a result, this line comes to within one inch of this building in some locations.

5. Rear Yard - The Project does not comply; the location of the

property line between R-4 and P-13 was established for the convenience of the school on P-13. As a result, this line comes to within one inch of this building in some locations.

6. Set back of Parapet - The Project does not comply. The parcel is so small that enforcement of the setback requirement would make it unfeasible to construct housing on the site. Because of the low rise character of all other structures of the Quincy School on this block and Don Bosco School across the street from this building, variation from this provision will not be injurious to other existing or future development in this area.

In summary, the Building Deviations for which permission is sought are as follows:

1. Waiver of the requirement for 2 hour fire rating for non-bearing exterior walls above the Quincy School playdeck level on "interior lot lines".
2. Reduction from 30' to 22' the distance between buildings in which a 1 1/2 hour fire rating is required for non-bearing exterior walls.

A cross covenant will be written in the Land Disposition Agreements between PFC and BRA, and between Quincy Tower and BRA, preventing any further structures from being constructed on either Parcel P-13 or Parcel R-4 within 30 feet of the property line between said parcels.

In addition, permission is hereby granted to deviate from

Section 12.1 of Regulation 12, "EXITS", of Article II of the State Sanitary Code. This section imposes egress requirements which are in conflict with both the Boston Building Code and the new state building code which goes into effect January 1, 1975.

MEMORANDUM

NOVEMBER 21, 1974

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: SOUTH COVE URBAN RENEWAL AREA PROJECT NO. MASS. R-92
QUINCY TOWER ASSOCIATES - DISPOSITION PARCEL R-4
APPROVAL OF 121A REPORT AND DECISION AND
STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

On November 14, 1974, a public hearing was held for the approval of a Project to be carried out by Quincy Tower Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants have sought consent as a Limited Partnership to construct a 16 story building containing 162 units of elderly housing for low and moderate income levels, consisting of 161 one bedroom units and 1 two bedroom unit. The Project will be constructed on Disposition Parcel R-4 in the South Cove Urban Renewal Area and will be financed by the Massachusetts Housing Finance Agency.

The Authority Staff has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of Quincy Tower Associates has thus been examined both as to its Environmental Impact and as to its 121A criteria and has been found to be fully acceptable.

It is therefore recommended at this time that the Authority adopt the Report and Decision for Quincy Tower Associates and approve the Project as having no significant Environmental Impact.

An appropriate Vote is attached.

Attachment

